

From: Records Request
Subject: FW: Request for letters of discipline



Begin forwarded message:

From: "Poston, Ben" <ben.poston@latimes.com>
Date: January 1, 2019 at 1:07:26 AM PST
To: "mmckinnon@hermosapolice.org" <mmckinnon@hermosapolice.org>
Cc: "sstine@hermosapolice.org" <sstine@hermosapolice.org>
Subject: Request for letters of discipline

(NOTE: I sent this to Chief Papa at 12 am on Jan. 1, 2019)

Los Angeles Times

Jan. 1, 2019

To Whom It May Concern:

Pursuant to the California Public Records Act, Section 6250 et seq. of the Government Code and the California state Constitution, as amended by Proposition 59, and all other applicable laws, including Penal Code Section 832.7(b), we are asking for records in the possession of your agency. Specifically, we would like to review:

- Letters of discipline from Jan. 1, 2014, through Jan. 1, 2019, for current and former sworn officers employed by your agency relating to reports, investigations, or findings from:
 - Any incident involving the discharge of a firearm at a person by a peace officer or custodial officer;
 - Any incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury;
 - Any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public;

- Any incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

By Letters of Discipline, we are referring to any documents sent to peace officers that notify them of the discipline being imposed against them. The documents may also include the severity of the discipline; the policies and procedures violated; the basic facts of the case, the officer's work history and whether the officer contested the discipline.

Please respond to this request promptly. As you probably know, the following legal rules apply to this request:

Prompt Disclosure: Government Code Section 6253 (b), (d)

Records not exempt from disclosure are to be made "promptly available." No provision of the CPRA, including the response periods noted below, "shall be construed to permit an agency to delay or obstruct the inspection or copying of public records."

Deadlines: Government Code Section 6253 (c)

You are required "promptly" and in no case more than 10 calendar days from the date of this request, to determine, and inform us in writing, whether you are going to decline all or part of the request, and the law(s) that you are relying on, unless within that period you notify us in writing that you intend to take up to an additional 14 days to make the determination because of your need:

- to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
- to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request;
- for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two

- or more components of the agency having substantial subject matter interest therein; or
- to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

Your notice must set forth “the reasons for the extension and the date on which a determination is expected to be dispatched.” If you determine that any of the records I have requested are disclosable, your written notice must “state the estimated date and time when the records will be made available.”

Constitutional Rule of Interpretation: Article I, Section 3 (b)

The California Constitution requires that the Public Records Act “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.” This rule must be heeded in interpreting any exemptions from disclosure you believe to be applicable.

To the extent that a portion of the information we have requested is exempt by express provisions of law, the public records act additionally requires segregation and deletion of that material in order that the remainder of the information may be provided in satisfaction of our request.

If you determine that an express provision of law exists to exempt from disclosure all or a portion of the information we have requested, please respond to us in writing, via email, citing the specific portion of the law that allows for the exemption. In addition, the act requires government agencies to “provide suggestions for overcoming any practical basis for denying access to the records or information sought.”

Please don’t hesitate to contact us if you have any questions about our request. Ben Poston can be reached at (213) 237-2205 or ben.poston@latimes.com and Maya Lau can be reached at 213-221-5754 or maya.lau@latimes.com.

Sincerely,

Ben Poston and Maya Lau | Los Angeles Times Staff Writers

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